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IN THE COURT OF APPEAL OF THE STATE OF CALIFORNIA

SECOND APPELLATE DISTRICT

DIVISION FIVE

THE PEOPLE,

Plaintiff and Respondent,

v.

WESLEY DEHNE,

Defendant and Appellant.

B250590

(Los Angeles County Super. Ct.  
No. LA019973)

APPEAL from a judgment of the Superior Court of Los Angeles County, William C. Ryan, Judge. Affirmed.

California Appellate Project, Jonathan B. Steiner, Executive director, and James A. Uyeda, Staff Attorney, under appointments by the Court of Appeal, for Defendant and Appellant.

No appearance for Plaintiff and Respondent.

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Wesley Dehne, a state prison inmate serving a sentence of 325 years to life under the three strikes law, filed a petition to recall his sentence pursuant to Penal Code section 1170.126.<sup>1</sup> The superior court denied the petition on the basis that Dehne's current convictions—11 counts of second degree robbery—are violent felonies as defined in section 667.5, subdivision (c)(9), rendering Dehne ineligible for resentencing under section 1170.126. Dehne filed a notice of appeal from the decision denying the petition to recall the sentence.

This court appointed counsel to represent Dehne on appeal from the order. On November 20, 2013, appointed counsel filed a brief raising no issues, asking this court to independently review the record for arguable appellate contentions under *People v. Wende* (1979) 25 Cal.3d 436. Dehne was advised by letter on November 21, 2013, of his right to file a supplemental brief within 30 days. The 30-day period to respond has lapsed, and no supplemental brief has been filed by Dehne.

We have completed our independent review of the record. Our review reveals no arguable contentions on appeal. Dehne is statutorily ineligible for relief under section 1170.126, subdivision (b), because his current convictions are violent felonies as defined in section 667.5, subdivision (c)(9). The order denying the petition is affirmed. (*Smith v. Robbins* (2000) 528 U.S. 259.)

KRIEGLER, J.

We concur:

TURNER, P. J.

MINK, J.\*

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<sup>1</sup> All statutory references are to the Penal Code.

\* Retired judge of the Los Angeles County Superior Court assigned by the Chief Justice pursuant to article VI, section 6 of the California Constitution.